



BRP WM 04

Instructions and Supporting Materials

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Introduction

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at mass.gov/dep in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

Instructions & Support Materials files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

Permit Applications in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



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Instructions and Supporting Materials

1. What is the purpose of this permit?

This license serves two major functions. First, it provides a review of chemical applications to aquatic systems (traditionally lakes and ponds) to ensure that they are being implemented utilizing currently acceptable procedures and materials, in order to maintain environmental and public health to the maximum extent possible under the circumstances. Second, it provides a means for keeping records, for future reference, of chemicals that have been introduced into specific areas.

This license grants approval to apply chemicals for the control of nuisance aquatic vegetation in accordance with authority granted to the Department of Environmental Protection by Massachusetts General Laws c. 111, s. 5E.

Note: This permit is now administered by the Office of Watershed Management, not the Division of Water Pollution Control. As a result, the permit code number has changed, effective November 30, 1994, but all other aspects of these permits remain the same. BRP WM 04 was formerly BRP WP 38.

2. Who must apply?

Anyone wishing to apply chemicals to bodies of water **except** under the following conditions:

a. When treatment is undertaken by employees and agents of the Departments of Environmental Protection, Environmental Management, and Fisheries, Wildlife and Environmental Law Enforcement, or of the Reclamation Board, or of related Federal agencies, while in the conduct of their official duties;

OR

b. When treatment is undertaken with algicide approved by MassDEP and used by legally established water supply agencies to control taste and odors;

OR

c. When treatment is undertaken in privately owned (single owner) ponds from which there are no flowing outlets.

3. What other requirements should be considered when applying for this permit?

a. What prerequisites should be considered before applying for this permit?

- Chemical treatments must be performed by an applicator currently licensed (in the aquatic weed category) by the Massachusetts Department of Food and Agriculture Pesticide Bureau.
- Chemicals used for treatments must be currently approved for use in the state by the Pesticide Bureau.
- A final Order of Conditions or a Negative Determination of Applicability (Wetlands Protection Act) must be obtained prior to the treatment.



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b. What concurrent applications are related to this permit?

- Since chemical treatments constitute the alteration of wetland resources, a Notice of Intent must be filed in accordance with the Wetlands Protection Act (MGL c. 131, s. 40) and Wetlands Protection Regulations (310 CMR 10.00).

Note: These additional requirements are intended to serve as a guide to the applicant. It does not necessarily include **all** additional requirements.

4. What is the application fee?

The application fee is \$60.

5. What is the Primary Permit Location? What is the Reserve Copy Location?

Primary Permit Location:

**Department of Environmental Protection
Office of Watershed Management
One Winter Street
Boston, MA 02108**

Reserve Copy Location:

Not Required.

6. What are the timelines?

As of July 1, 1992 the timelines are:

	AC	T1	T2
BRP WM 04	30	30	30

*(A second technical review will only be conducted if necessary).

There is no public comment review period for this permit.

7. What is the annual compliance fee?

There is no annual compliance fee for this permit.

8. How long is this permit in effect?

The license is in effect for nine months from the date of issuance.



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9. How can I avoid the most common mistakes made in applying for this permit?

- a. Be sure to include the **current** Pesticide Bureau License Number for the Applicator.
- b. Be sure that a Notice of Intent (Wetlands Protection Act) has been filed with the local Conservation Commission and that arrangements have been made to forward a copy of either the Order of Conditions or Negative Determination of Applicability to the Office of Watershed Management (see address above).
- c. Be sure that an accurate, good quality map, which designates treatment areas, is attached to the application.
- d. Submit fee and *one copy* of the MassDEP Transmittal Form <http://mass.gov/dep/service/online/trasmfrm.shtml> to:

Department of Environmental Protection
P. O. Box 4062
Boston, MA 02211.

10. What are the regulations that apply to this permit? Where can I get copies?

These regulations include, but are not limited to:

- a. Wetlands Regulations, 310 CMR 10.00.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

State Bookstore (in State House)
Room 116
Boston, MA 02133
617-727-2834

State Bookstore
436 Dwight Street
Springfield, MA 01103
413-784-1376



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BRP WM 04 Application Completeness Check List

- ☐ The MassDEP Transmittal Form is completed: <http://mass.gov/dep/service/online/trasmfrm.shtml>
- ☐ The application form has been filled out. All questions have been completed.
- ☐ An accurate, good quality map, which indicates treatment areas, is attached to the application.
- ☐ A Notice of Intent (Wetlands Protection Act) has been filed with the local Conservation Commission and arrangements have been made to forward a copy of the Order of Conditions or Negative Determination of Applicability to:

Department of Environmental Protection
Office of Watershed Management
One Winter Street
Boston, MA 02108

To submit the application package:

- ☐ Checklist items have been completed.
- ☐ Send a copy of the application package along with the *one* page from the MassDEP Transmittal Form to:

Department of Environmental Protection
Watershed Management
1 Winter Street
Boston, MA 02108

- ☐ Send fee of \$60 in the form of check or money order made payable to *Commonwealth of Massachusetts*, along with the *one* page from the MassDEP Transmittal Form to:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211



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Application to Apply Herbicides(s) to the Waters of the Commonwealth

Transmittal Number _____

Facility ID (if known) _____

A. Instructions

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Pursuant to the authority granted to the Department of Environmental Protection, by Massachusetts G.L.c. 111, s5E, a license is required for application of chemicals to water bodies for the control of nuisance aquatic vegetation, except under the following conditions:

1. When treatment is undertaken by employees and agents of the Department's of Environmental Protection, Environmental Management, and Fisheries, Wildlife and Environmental Law Enforcement or the state Reclamation Board or of related Federal agencies, while in the conduct of their official duties; or
2. when treatment is undertaken with algicides approved by the Department and used by legally established water supply agencies to control taste and odors; and

3. when treatment is undertaken in privately owned (single owner) ponds from which there are no flowing outlets. Although a license is not required under the aforementioned conditions, any state or municipal agency or private person planning an herbicide application to a water body exempt from this license requirement is requested to inform the Department by letter of such treatment for the purpose of record keeping.

This license application to chemically treat waters for control of nuisance aquatic vegetation must be completed and submitted to the Office of Watershed Management, One Winter Street, 8th floor, Boston, MA 02108, at least 30 days prior to the proposed date(s) of treatment.

B. Applicant Information

1. Licensed Applicator:

Name

Address

City/Town

State

Telephone Number

Pesticide Bureau License Number

2. Representing Project Proponent:

(e.g. town, lake association, or private party)

Telephone Number

3. Date submitted:

4. Proposed date(s) of treatment:



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Application to Apply Herbicides(s) to the Waters of the Commonwealth

Transmittal Number _____

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C. Waterbody Information

1. Name of waterbody: _____
2. Location of waterbody: _____
(city/town)
3. Area of waterbody: _____
(acres)
4. Depth: _____
Maximum depth _____
Mean depth _____
5. Description of ownership of waterbody (check one):
☐ Great Pond ☐ Great Pond enhanced by flowage ☐ Private Pond (with flowing outlet)
☐ Other (please describe) _____

D. Treatment

Extent of proposed treatment (Check One) and provide acreage to be treated:

- | | |
|--|--------|
| <input type="checkbox"/> Entire water body | _____ |
| | Acres: |
| <input type="checkbox"/> Entire shoreline | _____ |
| | Acres: |
| <input type="checkbox"/> Partial treatment | _____ |
| | Acres: |

F. Mapping Information

A map of the waterbody must be submitted with this application. This map should be of good quality and must contain the following information:

- a. Relative abundance and species composition of vegetation in the pre-treatment area.
- b. If partial treatment is proposed, the map must clearly show the areas to be treated.
- c. Location of all public and private bathing beaches.
- d. Name and location of any public and/or private water supply wells or intakes within 400 feet of the shoreline.
- e. Location of all inlet and outlet streams.
- f. Location of any livestock watering or access areas.
- g. If separate areas of the waterbody are to be treated with different chemicals, then this information must be clearly indicated.



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Application to Apply Herbicides(s) to the Waters of the
Commonwealth

Transmittal Number _____

Facility ID (if known) _____

G. Water Use

1. Is the water from the lake or pond used for:

- | | | |
|-----------------------|------------------------------|-----------------------------|
| Private Water Supply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Watering Livestock? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Contact Recreation? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Irrigation? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Public Water Supply? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Cooling Water? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

2. Describe any uses made of the lake or pond water within 400 feet of the shoreline or within one mile of the outlet. Make special note of any public water supply wells or intakes:

H. Vegetation

List the vegetation to be controlled in descending order of abundance (genus name of macrophyton and/or major phytoplankton groups):

a. _____	b. _____
c. _____	d. _____
e. _____	f. _____
g. _____	h. _____



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Application to Apply Herbicides(s) to the Waters of the Commonwealth

Transmittal Number _____

Facility ID (if known) _____

I. Chemical Information

1. List chemicals:	1.	2.	3.	4.
Chemical Names(s) (trade name)	_____	_____	_____	_____
Chemical Form (dry/liquid)	_____	_____	_____	_____
Total Weight/Volume Applied (lbs/gallons)	_____	_____	_____	_____
Acres Treated (for each chemical)	_____	_____	_____	_____
Application Rate (lbs or gal/acres)	_____	_____	_____	_____
Planned Maximum Concentration (ppm)	_____	_____	_____	_____

2. Briefly describe treatment method including any additional information on chemicals applied or remarks concerning this particular treatment:



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Application to Apply Herbicides(s) to the Waters of the Commonwealth

Transmittal Number _____

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J. Additional Information

The applicant is hereby advised of the following:

- a. Within fourteen days of the date of treatment authorized in this license, the licensee is required to submit a written response to the Department certifying the treatment date, application rate, and the total weight/volume for each chemical used in the treatment.
- b. The licensee shall not apply chemicals in a manner contrary to, or inconsistent with, the application conditions set forth in Section I A. in the license without the prior written approval of the Department.
- c. The applicant is hereby notified that chemical treatments to control aquatic nuisances in public or private lakes and ponds of the Commonwealth involve the alteration of wetland resource areas protected under MG.L. c. 131, s. 40, the Wetlands Protection Act, and 310 CMR 10.00, Massachusetts Wetlands Protection Regulations.
- d. A final Order of Conditions or a Negative Determination of Applicability must be obtained from the local Conservation Commission prior to application of chemicals under any license issued by the Department.
- e. Shoreline areas of the lake must be posted with signs warning the general public of any water use restrictions stated on the chemical label for a minimum of one week. This is especially important at bathing beaches and other areas of common access. These signs shall clearly state that the chemical treatment is being conducted pursuant to a license issued by the Department of Environmental Protection.
- f. The Department may require the licensee to cease application of chemicals to a body of water at any time following the issuance of a license if the Department determines that chemical treatment will be ineffective, or will result in unreasonable restrictions on current water uses, or will produce unnecessary adverse side effects on nontarget vegetation.
- g. Chemical applications shall be performed in accordance with the manufacturers label directions, existing pesticide use laws, and any conditions imposed by local or state agencies.
- h. Chemical treatments shall only be performed by an applicator currently licensed by the Massachusetts Department of Food and Agriculture Pesticide Bureau in the aquatic weed category.
- i. Issuance of a license does not release the licensee from liability resulting from the use of chemicals or from negligent or reckless application of chemicals specified in this application.

K. Certification

The applicant hereby certifies the truth of the above statements and agrees to accept the following conditions as a prerequisite to the issuance of a license: that the issuance of the license is based on the accuracy of all statements presented by the applicant; that damage resulting from the inaccuracy of any computations, improper application of the chemical(s), or legal responsibility for the representations made in obtaining required approvals or releases, or failure to obtain said approvals or releases is the sole responsibility of the applicant.

Print Name

Title

Signature

Date